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Halperins' 'Victory' Was a Buck

A federal judge in Brooklyn recently awarded \$1,000 and court costs to three persons who sued the Central Intelligence Agency for opening their mail. Hold those figures in mind: Three persons, \$1,000 each. For opening mail. Payable by the CIA.

Another federal judge recently awarded Morton Halperin and each member of his immediate family \$1 each for having their telephone tapped over a period of almost two years. The defendants in this case were Richard M. Nixon, John N. Mitchell and H. R. Haldeman.

The disparity between the merit of the two cases is far greater than that between the awards (which stand in inverse proportion to those merits). The Halperins were spied on for multiple political reasons, and the spying entered into the Ellsberg case (causing its dismissal) as one of the 1972 presidential campaign.

Furthermore, the damages for illegal wiretaps are written into one law involved in the case—\$100 a day. The judge, John Lewis Smith, Jr., found the defendants guilty under different provisions of the law. But the legislation touching this matter should be a guideline, if not a mandatory consideration. The difference between \$100 a day and \$1 for two years is the difference between a guideline and a joke line.

The imposition of a light fine is a recognized way of making the "victor" lose, the person who was right look wrong—as the painter James Whistler complained in his famous libel case against critic John Ruskin (Whistler won, but received only a farthing in damages).

Such a decision declares a right while deterring others from the labor, expense and publicity involved in claiming that right. There is nothing more frustrating than to be punished by the very court that claims to be vindicating a person for rights infringed or moral damage done.

It is admittedly hard to decide what monetary value to place on rights infringed or moral damage done—as we see in the case of those illegally arrested by the Nixon regime in the "May Day" case. Two courts had found for those arrested, while differing over the appropriate damages.

But surely the pittance won by the Halperins for the long and intense invasion of their privacy amounts to an insult both to them and to others who feel strongly about such rights.

The Halperins were unjustly treated by former government officials. The court itself has said that, and declared them aggrieved. Yet the same court unfairly treats them when it refuses to take seriously the damage done.

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